



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
MAIL STOP PATENT APPLICATION
P.O. Box 1450
Alexandria, VA 22313-1450



PRIOR APPLICATION: Examiner: M. Vargot
Group Art Unit: 1732

DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a [] Continuation [☒] Divisional [] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/948,785, filed on September 10, 2001, of:

Inventor(s): Kaoru YAMAMOTO
 Keiji SUGA
 Noriyoshi SHIDA
 Tetsuya IIDA

For: MULTI-LAYER OPTICAL RECORDING MEDIUM AND
 METHOD OF MANUFACTURING THE SAME

2. The papers enclosed are as follows:

27 Page(s) of specification including:
 00 Title Page
 04 Page(s) of claims
 01 Page of abstract
13 Sheet(s) of drawings containing 13 Figures
— Other: _____

3. Amendments

For continuation and divisional applications:

- ☒ Cancel in this application original claims 3 - 7 in the enclosed copy of prior application before calculating the filing fee.
- ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

For continuation-in-part applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:

"This is a divisional of copending Application No. 09/948,785, filed on September 10, 2001."

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application(s) is/are claimed:

| Country | Application No. | Filed |
|---------|-----------------|--------------------|
| Japan | 2000-276757 | September 12, 2000 |

Certified copies: ☐ is/are attached.
☐ will follow.
☒ were filed in prior U.S. Application No. 09/948,785, on December 7, 2001.

7. Assignment

For continuation or divisional applications:

☒ A prior application (Application No. 09/948,785) is assigned of record to **PIONEER CORPORATION**, recorded December 7, 2001, at Reel/Frame 012357/0123.

☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION | | | | |
|---|--------------|--------------|-----------------|--|
| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$770.00 Design \$340.00 |
| Total Claims (37 C.F.R. § 1.16(c)) | 2 | 0 | \$ 18.00 each = | + \$0.00 |
| Independent Claims (37 C.F.R. § 1.16(b)) | 1 | 0 | \$ 86.00 each = | + |
| Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d)) | | | \$290.00 | + \$ |
| SUB-TOTAL = | | | | \$770.00 |
| Reduction by ½ for filing by a small entity | | | | - \$ |
| TOTAL FILING FEE = | | | | \$770.00 |

9. Fee Payment

- ☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for paying the filing fees.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of **\$770.00** for the basic filing fee.

10. Small Entity Status is not claimed and

- ☐ a statement claiming small entity status is enclosed, or
- ☐ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at **Customer Number: 009629**

12. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

13. ☒ **PETITION FOR EXTENSION OF TIME**. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/948,785, filed September 10, 2001 for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

14. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

15. Additional papers enclosed:


- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, without references included
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: October 1, 2003

By:


Paul A. Fournier
Registration No. 41,023

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